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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/555,720	11/07/2005	Kazuyoshi Oshima	12088/039001	2059

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EXAMINER
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KELLY, CATHERINE A

ART UNIT	PAPER NUMBER
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3634

NOTIFICATION DATE	DELIVERY MODE
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12/15/2008

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@oshaliang.com  
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<b>Office Action Summary</b>	<b>Application No.</b> 10/555,720	<b>Applicant(s)</b> OSHIMA ET AL.	
	<b>Examiner</b> CATHERINE A. KELLY	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 15 August 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 4-8, 12, 16, 17 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 9-11, 13, 18-22 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-24 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on not filed under 371 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |                                                                                        |                                                                   |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____                                                            | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Claims 4-8, 16, 17, and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species of groups 1) -6), 8) and 9), there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 8/15/2008 to the species of group 7) figures 21-30 reading on claims 1-3, 9-11, 13-15, 18-22, and 24.

### ***Drawings***

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference designations "runner support bracket" and "main rail" have both been used to designate the main rail. Applicant's elected species of Group 7) figures 21-30 shows no part other than the rotatable bracket which could be interpreted to be the main rail as no other part, besides the rotating member, contacts the runner as required in claim 1. As such, Examiner has assumed for purposes of examination that the part designated by reference numeral 86 is both main rail and runner support bracket. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of

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any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the groove 17a must be shown or the feature(s) canceled from the claim(s). No new matter should be entered. For purposes of examination, Examiner has examined around this limitation as it is not shown or clarified in the specification.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1- 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. All claims --The term plate-like is unclear. Dependent claims are rejected as depending from rejected independent claim.

Claims 1-3, 9-11, 13-15, 18-22, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 includes a main rail and main track in part (b) on which the runner of part (a) rides but in applicant's elected group 7) figures 21-30, no rail or track is shown other than the auxiliary track 82b of part (c). For purposes of examination, Examiner assumes that the main rail and track of the elected embodiment is support bracket 85.

Claim 10 notes a runner support bracket mounted on the plate like object where the drawings shown a bracket mounted on a bracket mounted on the object. For purposes of examination, the term "mounted on" is assumed to be used broadly to denote connected to.

Claim 15 includes the limitation the main track solely being the additional track of claim 14 which is not possible in view of the above interpretation of main track and rail for claim 1 and thus this limitation has not been examined.

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The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. Examiner particularly points out that the language used is frequently unclear such as runner where roller is meant, main rail where a bracket is shown, and plate-like object where door is meant.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 2 is rejected under 35 U.S.C. 102(b) as being anticipated by Japanese patent 1-151681. The guide apparatus of claim 1 is shown in the '681 reference in figure 3 where a runner is reference numeral 5 mounted on at least one of upper and lower edge portions of said plate-like object 4; a main rail including a main track 10, said main track extending to the left and right as shown in figure 2, and said main rail supporting said plate-like object 4 in said non-set position in such a way that said runner 5 rides on said main track 10 via connector 12; and a rotatable member 6B supported by said main body 1 so that said rotatable member 6B can rotate between a first rotation position and a second rotation position, as clearly shown in figure 3, about a rotation axis extending to the left and right, including a supporting surface and an auxiliary track both on multi-sided end 15, supporting said plate-like object 4 in said set position in such a way that said runner 5 rides on said supporting surface 15 when said

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rotatable member 6B is in said first rotation position, as shown in the lighter non-hash marked portion of figure 3, and supporting said plate-like object 4 in said preparation position in such a way that said runner 5 rides on said auxiliary track 15, which becomes continuous with said main track 10, when said rotatable member 6B is in said second rotation position, as shown in the darker hash marked portion of figure 3.

Regarding claim 2, the opening is shown in the '681 reference in figure 2 reference numeral 2 and the movement between closed set position and open non-set position is shown in figure 3 where closed is the lighter non-hash marked portion and open is the darker hash marked portion.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 1- 151681. Examiner takes Official Notice the holding members, such as spring loaded pins or pegs or any biased member for placement, are well known in the art and one of ordinary skill would have been motivated to use a biased holding member to ensure proper open placement of the plate like object.

Regarding claim 9, the receiving groove is shown in the '681 reference in figure 3 reference numeral 11a with dual surfaces 11b and 11c. However, the groove of the '681 reference is in the runner 5 which mates with rotatable member 6B. To have the groove on the rotatable member mating with the runner would be mere reversal of parts, see MPEP 2144.04 VI Section A. One of ordinary skill in the art would be motivated to reverse the parts as both grooved wheels and convex wheels for mating with grooved parts were known in the art and readily available.

Claims 10-11, 13-15, 18-22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 1-151681 as applied to claim 9 above, and further in view of US patent 6926342. While the '681 reference shows a support bracket in figure 3 reference numeral 10, the bracket does not rotate as in claim 10. This is shown in the '342 reference in figures 1 and 2a-c where the plate like object is reference numeral 12 and rotatable bracket 18. One of ordinary skill in the art at the time of invention would be motivated to combine because the rotatable bracket allows for ease of movement of the plate-like object away from the main body which is always desirable in plug type or flush doors.



Regarding claim 11, the disc shaped runner mounted on bracket is shown in the '681 reference in figures 3 and 4 where the runner is reference numeral 5, which mates in a grooved manner with rotatable member 6B having support surface and auxiliary track on multi-surfaced 15, and the bracket 10.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 1-151681 and US 6926342 as applied to claim 11 above, and further in view of US patent 4644690. Neither the '681 nor the '342 reference shows the biasing member of claim 13. This is shown in the '690 reference in figures 2 and 3 reference numerals 26 and 43 and further taught in column 3 lines 39-51. One of ordinary skill in the art at the time of invention would be motivated to combine because biasing members were known in the art at the time to provide a secure primary position which can be overcome to reach a second position, as taught in the '690 reference in column 3 lines 39-51, and thus allow a secure close which is desirable in the art.

Regarding claim 14, the rotatable members are shown in the '681 reference in figure 3 reference numeral 6B and the plurality of plate like objects is shown in the '690 reference in figures 4 and 5 where the plate like objects are reference numerals 1 and 2 and the objects are shown in a set position in figure 4 and preparation in figure 5 and the rotatable members supporting second plate like object are shown in figures 1-6 where the rotating members are reference numeral 20 and provide additional track for second plate 2 as shown in figure 5 where 20 are connected to 25 which guides 2.

Regarding claim 15, the length of the rotatable member is mere change in size and thus obvious, see MPEP 2144.40 IV Section A.

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Regarding claim 18, the dual runners are shown in the '690 reference in figures 1-4 where the upper runners are reference numeral 23 and lower 36 and guide member 39 guiding runner 36 with secondary rail 3 guiding preparation to non-set movement.

Regarding claim 19, the secondary guide projection is shown in the '690 reference in figure 3 reference numeral 38 on runner 36 into guide groove 39.

Regarding claim 20, the running portion and groove are shown in the '690 reference in figure 3 where the running portion is reference numeral 35, groove 34 and support bracket 32. The placement of the projection on the bracket or runner is mere rearrangement of parts and thus obvious, see MPEP 2144.40 VI Section C.

Regarding claim 21, the up/down movement is shown in the '681 reference in figure 3 where the lighter non-hashed portion is down and the darker hash marked portion is up. In combination with the guide groove of the '690 reference, the guide groove would necessarily be inclined as otherwise the combination would not work and would destroy the integrity of the inventions.

Regarding claim 22, the arrangement of the grooves is mere design choice based on the chosen arrangement of the runner and its respective parts. One of ordinary skill in the art would be motivated to choose one design over another based on factors such as durability of product, cost of manufacture, etc...

Regarding claim 24, the plurality of plates is shown in the '690 reference in figures 1 and 6 where the plates are reference numerals 1 and 2, the movement of the plates shown in set position by solid lines and secondary runner part 33 and attached running portion 35 being continuous with secondary rail 3 in the set position.

***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CATHERINE A. KELLY whose telephone number is (571)270-3660. The examiner can normally be reached on Monday through Friday 8am - 4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Katherine Mitchell can be reached on 571-272-7069. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. A. K./  
Examiner, Art Unit 3634

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